Document #1404 Fields, Sarah M. Individual

Kym Bevan

1404, p1

From: Sarah M. Fields [sarahmfields@earthlink.net]
Sent: Sunday, March 06, 2005 5:30 PM
To: moabcomments
Subject: Moab Mill DEIS Comments

Unknown Document

Dear Mr. Metzler,

Attached are comments on the "Floodplain and Wetland Assessment for Remedial Action at the Moab Site," related to the Moab Mill Project DEIS.

A paper copy will follow in the mail.

Sarah M. Fields

1

#1404, p2

March 7, 2005
via e-mail and first class mail

Mr. Don Metzler
Moab Federal Project Director
U.S. Department of Energy
2597 B 3/4 Road
Grand Junction, CO 81503
moabcomments@gjo.doe.gov

Re: Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah, Draft Environmental Impact Statement, DOE/EIS-0355D, November 2004. 69 Fed. Reg. 70256 (December 3, 2004) and 69 Fed. Reg. 65426 (November 12, 2004).

Dear Mr. Metzler:

I appreciate this opportunity to comment on the November 2004 *Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah, Draft Environmental Impact Statement* (DEIS), DOE/EIS-0355D.

Comments on *Floodplain and Wetlands Assessment for Remedial Action at the Moab Site*

1. The U.S. Department of Energy (DOE) has included the *Floodplain and Wetlands Assessment for Remedial Action at the Moab Site* in the DEIS, pursuant to DOE requirements at 10 CFR Part 1022, Executive Order 11988, *Floodplain Management*, and Executive Order11990, *Protection of Wetlands*. DEIS, Volume II, Appendix F (pages F-1 to F-18). As will be shown below, the DOE has failed to implement these regulatory and Executive Order requirements.

2. Section F1. Introduction (page F-1). In this section, the Assessment fails to inform the public that if the DOE determines that "that no practicable alternative to locating or conducting the action in the floodplain or wetland is available," then the DOE must issue a floodplain statement of findings, pursuant to 10 C.F.R. § 1022.14 (Findings). In other words, if the DOE determines that there is no practicable alternative to disposing of the tailings on-site, then a statement of findings must be issued for that action. Similar findings would be required for a decision to slurry or truck the tailings to White Mesa, due to the adverse impacts on the Scott M. Matheson Wetlands Preserve (Matheson Wetlands) and other waterways and wetlands from that alternative.

Further, in accordance with Section 1022.14(e), if there are "proposed floodplain actions that may result in effects of national concern, DOE shall publish the floodplain statement of findings in the *Federal Register*." Section 1022.4 defines "effects of national concern" as **"those effects that because of the high quality or function of the affected resource or because of the wide geographic range of effects could create**

Comments on DOE/EIS-0355D
March 7, 2005

#1404, p32

concern beyond the locale or region of the proposed action." The Assessment must include a discussion of all the requirements related to a statement of findings.

2. Section F2.1 (Proposed Actions at the Moab Site—On-Site Disposal Alternative), at F2.1.1 (Remediation of Contaminated Materials) (page F-4). This section discusses the removal of "surface contamination" from the top layer" and removal of tamarisk.

There is no discussion of the depth of the "top layer" or the extent of surface and subsurface contamination on the balance of site (i.e., outside the tailings pile footprint).

The Assessment must include a map of the areas of contaminated materials that the DOE expects to excavate, including depth of materials, and areas that would need to be filled in with clean materials.

This section fails to mention the fact that the balance of contaminated site materials will be placed on the impoundment for de-watering purposes prior to placement of the final cover. The Assessment fails to address the future adverse impacts of the placement of that material on the amount of contaminants in the floodplain over time.

This section (and related sections in the DEIS) fails to acknowledge the presence of a 6.6-acre area at the southeast toe of the impoundment where the highest contamination is at moderate depth (below 30 cm). The area of contamination extends 200 feet from the toe of the tailings impoundment, encompassing an area approximately 1,500 long. The estimated volume of the contaminated material, which may have come from an old tailings' spill, is 25,000 cubic yards. See letter from Richard E. Blubaugh, Atlas Minerals, to Harry J. Pettengill, Uranium Recovery Field Office, Nuclear Regulatory Commission (NRC), June 29, 1987 (NRC Accession No. 8708050343), with enclosed "Evaluation of Sourtheast Area, Atlas—Moab Mill Facility," with eleven oversized drawings, EnecoTech Inc., June 30, 1987.

Please correct these oversights.

3. Section F2.1.2 (On-Site Disposal) (page F-4). This section states, in part: *To further protect the disposal cell, a buried riprap wall would be installed in the Colorado River floodplain. The wall would protect the stabilized tailings pile from river migration and erosion to meet the design life of the disposal cell.*

This section fails to reference any maps or specific engineering plans for the proposed riprap wall. There is no mention of any studies or technical evaluations regarding how the wall would protect the tailings pile from the Colorado River meander, erosion, and flood potential. There is no technical report discussing the location and extent of the wall, its depth and width, material size, etc.

The assertion that the wall would "protect the stabilized tailings pile from river migration and erosion to meet the design life of the disposal cell" is not substantiated. The DEIS provides no data whatsoever that demonstrates that a wall would be protective of the tailings impoundment.

Further, there is no mention of the specific length of said "design life." There is no discussion of any need to protect the disposal cell beyond the so-called "design life" or how that need would be met.

#1404, p4

Comments on DOE/EIS-0355D
March 7, 2005

3

This section must substantiate its assertions regarding the ability of a riprap wall to protect the tailings pile for the length of time that river migration and erosion could impact the tailings. This time frame should not be limited. The requirements of 10 C.F.R. Part 1022 to assess floodplain and wetland impacts and avoid adverse impacts to wetlands and floodplains are not bounded by any "design life" time frames.

These failures in the Assessment must be corrected.

4. Section F2.1.2 (On-Site Disposal) (page F-4). This section indicates that the only activities that would take place within the 100-year floodplain would be interim storage of borrow materials. The Assessment fails to mention of the interim and long-term groundwater correction activities that are in the floodplain. The Assessment fails to assess activities within the 500-year floodplain. The Assessment must give a full description of all on-site reclamation activities on the100 and 500-year floodplains and describe how those activities will be protected from flood hazards.

5. Section F2.1.2 (On-Site Disposal) (page F-4). This section states, in part: *Long-term maintenance and monitoring of the disposal cell would include inspecting the floodplain and river boundary and the buried riprap wall.*

Here there is no mention of the length of time that "long-term maintenance and monitoring of the disposal cell" would be required. There is no mention of the costs involved in long-term maintenance. There is no assessment of the possibility that, over time, the ability of institutions to continue to monitor and maintain the disposal site and any protective wall will diminish, while, at the same time, the potential for degradation of the impoundment (from all causes) will increase. The Assessment must address these long-term maintenance issues.

6. Section F3.0 (Floodplain and Wetlands Descriptions), at F3.1 (Moab Site) (page F-5): *The 100-year and 500-year floodplains for Moab Wash and the Colorado River occupy 150 acres, or the easternmost third of the Moab site (see Figure F–1). Floodplain alluvium consists of shallow sandy sediments and deeper gravelly sediments.*

Here the map and the statement fail to discuss whether the area under the tailings impoundment is also on the flood plain of the Colorado River and Moab Wash and are also underlain by sediments. The Assessment fails to delineate the areas of the floodplain underlain by sediments from the Colorado River, the areas are underlain by sediments from Moab Wash, or areas underlain by both. Further, there is no mention of any past Moab Wash and Colorado River channel beds that underlie the site. Where the Colorado River has deposited sediments and created channels in the past is an important factor in assessing the potential for the Colorado River to create new channels in the floodplain.

The DOE should take all current data related to the sediments underneath the site and in the area, develop new data based on fieldwork, and properly characterize the sediments and structures (including their source) that underlie the Moab site. The DOE should create a three-dimensional characterization of the geological structures, channels, and sediments and create a history of the river/wash/site interactions. This has NEVER

Comments on DOE/EIS-0355D
March 7, 2005

#1404, p5 4

been done. Without such data and interpretations, the DOE has no basis for many of its assumptions related to long-term site stability.

7. Section F4 (Floodplain and Wetlands Impacts), F4.1 (Moab Site—On-site Disposal Alternative) (page F-14). The Assessment improperly limits the consideration floodplain and wetland impacts to the impacts associated with the site itself. This Assessment fails to address the potential adverse impacts of the on-site disposal alternative on the Matheson Wetlands. There is no assessment of the potential of contamination from the site to impact the Matheson Wetlands via a pathway underneath the Colorado River. There is no mention of impacts to the Matheson Wetlands via air-borne contamination from the site. The Assessment must be revised to include these aspects of floodplain and wetland impacts, in a comprehensive manner.

The Assessment must address the continued contamination of the Moab site floodplain. The Assessment must address the extent to which the removal of the tailings from the floodplain would impact future floodplain and site contamination emanating from the impoundment.

The Assessment fails to address potential adverse impacts to floodplains and wetlands in the in the event of a tailings impoundment failure. A tailings pile failure would result in significant adverse impacts to the floodplain of the Colorado River downstream, the Moab Valley, and Matheson Wetlands. The Assessment must include a full description and evaluation of those adverse impacts on the floodplain of the Moab Valley and the Colorado River downstream and the Matheson Wetlands.

8. Section F4.1.1 (Floodplains). This section states, in part: *The buried riprap wall would permanently alter the floodplain by stabilizing soils in the floodplain.*

Here the Assessment does not evaluate the potential adverse impacts on the Colorado River, the Moab Valley, and the Matheson Wetlands of the riprap wall during a flood event. The Assessment must include such an evaluation.

This section fails to discuss the impacts to the Matheson Wetlands and floodplain at the site, downstream, and at Moab in the event that the riprap wall fails to serve its design function. The Assessment must include such an evaluation.

9. Section F4.4 (Off-Site Disposal—White Mesa) (page F-16): *The slurry pipeline transportation option would involve crossing the Colorado River and the Matheson Wetlands Preserve, along with 11 perennial streams and at least 21 intermittent drainages. There have been previous utility crossings in the Matheson Wetlands Preserve, and the pipeline for this project would follow these as closely as possible.*

The DIES and Assessment fail to discuss whether the pipeline and slurry operation would be owned an operated by a private entity or the federal government. It fails to state what federal regulations apply to the construction and operation of the pipeline. At times, the DEIS gives the impression that the pipeline and slurry operation would be a DOE operation. However, International Uranium (USA) Corporation (IUSA), in its May 2003 proposal, specifically stated its desire that the slurry operation and pipeline be under their ownership and control. This must be clarified.

Comments on DOE/EIS-0355D
March 7, 2005

#1404, p6 5

The Assessment gives the impression that no new pipeline corridors would be involved in the construction of the slurry pipeline. This is backed by the failure to include a map in the Assessment that identifies current pipeline corridors and proposed new pipeline corridors.

There is no basis for the assumption that permission would be given to build a pipeline to carry the slurry across the Matheson Wetlands. There is also no basis for the assumption that permission would be given to build a pipeline across federal lands. The Assessment fails to reference the Federal Regulation applicable to obtaining a pipeline permit over Department of Interior, Bureau of Land Management, lands—43 C.F.R. 2800.

Here the Assessment must provide information regarding what permissions and permits are required for the pipeline, applicable statutes and regulations, who will apply for such permissions and permits, the position of The Nature Conservancy and the State of Utah regarding whether they would grant permission for a slurry pipeline across the Matheson Wetlands, and whether the DOE can or is willing to exert powers of eminent domain to assure that a pipeline can be constructed over private or State of Utah land. The DOE has not been forthright in discussing these important aspects of the slurry pipeline in the DEIS and Assessment.

9. Section F4.4 (Off-Site Disposal—White Mesa) (page F-16). This section states, in part: *Unavoidable disturbance to wetlands along waterways would be mitigated in accordance with USACE Section 404 guidelines (see Section F4.1.2).*

The Assessment fails to map and clearly identify the disturbances (unavoidable and avoidable) along and through waterways. No pictures or technical studies to back up any of the discussion of wetland, stream, and dry watercourse disturbances. Everything is very general and specificities are avoided. The Assessment must provide more specifics and substantiation with respect waterway disturbances.

10. Section F4.4 (Off-Site Disposal—White Mesa) (page F-16). This section states, in part: *Some of the springs or seeps adjacent to the White Mesa Mill site may be hydrologically connected to the site, and there could be a potential for ground water contamination due to spills, pipeline rupture, or other accidents. Mitigation to minimize the possibility of exposure would be implemented.*

No impacts to floodplains and wetlands would be expected from monitoring and maintenance of this facility.

The Assessment fails to provide an evaluation of the long-term impacts of the White Mesa alternative on the springs and seeps that are "hydrologically connected to the site." The Assessment fails to provide any basis for its assumption that, over the long term, monitoring and maintenance of the facility would prevent adverse impacts to the seeps and springs. The Assessment fails to acknowledge that, over the lifetime of the hazard, the potential for adverse impacts to the seeps and springs will increase, while the effectiveness of monitoring and maintenance of the facility will inevitably decrease.

The potential for adverse impacts on ground water will, in great part, be dependent on the design and construction of the impoundment and the placement of the

#1404, p7 6

tailings in that impoundment. At this time, there is no information available on these aspects of the White Mesa proposal.

The Assessment fails to provide any bases for its assumptions re the impacts related to the White Mesa alternative. These failures must be corrected in the final Assessment.

11. Effects of National Concern. The Assessment fails to discuss whether the proposed floodplain actions may result in **effects of national concern**. According to 10 C.F.R. § 1022. 4, such effects are those that, because of the **high quality or function of the affected resource** or because of the wide **geographic range of effects**, could create **concerns well beyond the locale or region of the proposed action**.

The Assessment improperly fails to acknowledge that the potential adverse short-term and long-term effects of the disposal of the Moab tailings in the floodplain of the Colorado River creates a concern far beyond the Moab Project site and the Moab Valley.

The Colorado River is the 5th largest river in the United States and is the source of drinking water for millions of people. It is a recreational resource for millions and the source of agriculture waters thousands. The waters of the Colorado below the site flow though federal parks and recreation areas, tribal sovereign lands, and a foreign state. A tailing failure scenario would be a catastrophe of national and international, not just local, proportions.

It is unconscionable for the DOE not to have recognized, identified, and considered **effects of national concern** in the Assessment and in the DEIS.

12. Navigable Waterway. There is no mention in the Assessment that the wetlands associated with the site and the Matheson wetlands are part of a navigable waterway and subject to the provisions of Section 13 of the Rivers and Harbors Act of 1899. Section 13 (the "Refuse Act"), in part, prohibits the deposition of any material on the bank of any navigable water where it is liable to be washed into the navigable water, whereby navigation may be impeded or obstructed.

The Assessment must include a discussion of this act and its relation to the impacts to wetlands and floodplains under consideration here.

13. Subsidence. The Assessment fails to discuss and address the impacts on the floodplain and wetlands that will take place over time due to the dissolution of salt below the site. The DOE must take into consideration long-term subsidence of the site when it assesses adverse impacts to the floodplain and wetlands related to the Moab site.

14. 10 C.F.R. Part 1022—Compliance With Floodplain And Wetland Environmental Review Requirements.

As stated in Part 1022, it is the intent of the DOE to incorporate floodplain management goals and wetland protection considerations into its planning, regulatory, and decision-making processes, and preserve natural and beneficial values served by floodplains and wetlands. Part 1022 implements the directives set forth in Executive Order 11988 and Executive Order11990.

#1404, p8

Comments on DOE/EIS-0355D
March 7, 2005

7

The Executive Orders demand that a floodplain and wetlands assessment serve as a decision-making document. In order to fulfill that function, the assessment must include several things. Below is an evaluation of how well the *Floodplain and Wetlands Assessment for Remedial Action at the Moab Site* meets the Executive Order and regulatory requirements.

A. 10 C.F.R. § 1022.13 (Floodplain or wetland assessment), at (a)(1), requires a map showing the location of the proposed action with respect to the floodplain and/or wetland.

None of the maps in the Assessment show the location and extent of the Matheson Wetlands. There is no map that shows the floodplain of the Colorado River that would be impacted in the event of a failure of the tailings impoundment. The map of the White Mesa site does not show the full extent of the pipeline. The size of the map makes it impossible locate any of the washes or streams that might be impacted by the pipeline.

B. 10 C.F.R. § 1022.13 (a)(2) (Floodplain or wetland Impacts) requires:

> This section shall discuss the positive and negative, direct and indirect, and long- and short-term effects of the proposed action on the floodplain and/or wetland. This section shall include impacts on the natural and beneficial floodplain and wetland values (Sec. 1022.4) appropriate to the location under evaluation. In addition, the effects of a proposed floodplain action on lives and property shall be evaluated. For an action proposed in a wetland, the effects on the survival, quality, and function of the wetland shall be evaluated.

The Assessment clearly fails to provide a discussion of the long-term effects of the on-site disposal alternative on the Matheson Wetlands, the floodplain in rest of the Moab Valley, and the Colorado River floodplain down river from the site.

There was no assessment of the long-term impacts on the" natural and beneficial floodplain and wetland values" associated with those floodplains and wetland. According to Section 1022, floodplain and wetland values include, but are not limited to, "living values (e.g., conservation of existing flora and fauna including their long-term productivity, preservation of diversity and stability of species and habitats), cultural resource values (e.g., archeological and historic sites), cultivated resource values (e.g., agriculture, aquaculture, forestry), aesthetic values (e.g., natural beauty), and other values related to uses in the public interest (e.g., open space, scientific study, outdoor education, recreation)." There is no discussion in the assessment of how, over the long-term and the very-long term, the Moab disposal alternative will eventually impact these values at the Matheson Wetlands, Moab Valley, and floodplain downstream from the site.

There is no discussion of either short or long-term impacts on lives and property associated with the failure of the tailings impoundment or and failure of the proposed mitigative measure (riprap wall).

There is no discussion of the long-term effects on the survival, quality, and function of the Matheson Wetlands as a result of on-site disposal.

#1404, p9

C. 10 C.F.R. § 1022.13 (a)(3) (Alternatives) requires that DOE evaluate measures that mitigate the adverse effects of actions in a floodplain and/or wetland.

The Assessment mentions the construction of a riprap wall that would act to mitigate adverse effects, but that measure has in no way been "evaluated" for short or long -term effectiveness in the Assessment.

D. 10 C.F.R. § 1022.3 (Policy) sets forth various mandates related to floodplain management and wetland protection applicable to the Moab Mill Project. This section requires, in part, that the DOE:

- Minimize the impact of floods on human safety, health, and welfare;
- Restore and preserve natural and beneficial values served by floodplains;
- Minimize the destruction, loss, or degradation of wetlands;
- Preserve and enhance the natural and beneficial values of wetlands.
- Undertake a **careful evaluation** of the potential effects of any proposed floodplain or wetland action.
- Avoid to the extent possible the long- and short-term adverse impacts associated with the destruction of wetlands
- Identify, evaluate, and as appropriate, implement alternative actions that may avoid or mitigate adverse floodplain or wetland impacts.

The Assessment must provide information regarding how each of these mandates would be met for each alternative under consideration. The Assessment must provide a table comparing the floodplain and wetland impacts of the various alternatives and how the wetland and floodplain requirements would be met.

15. Conclusion: On-Site Disposal Alternative. Due to the potential of the tailings impoundment to continue to adversely impact the floodplain of the Colorado River at the site and the long-term potential for impacts of the Matheson Wetlands and floodplains in the Moab Valley and downstream, the only alternative that would remove the source of those adverse impacts is an off-site disposal alternative.

There is no basis for a finding that "no practicable alternative to locating or conducting the action in the floodplain or wetland is available." The DOE has already identified three "practicable" off-site disposal alternatives and evaluated them in the DEIS. Since they were considered in the DEIS, by definition, there are "practicable" alternatives. The DOE in not authorized to consider **impracticable** alternatives in the National Environmental Policy Act (NEPA) process.

Therefore, in order to avoid the short-term and long-term adverse impacts to the wetlands and floodplains impacted by the proposal, the on-site disposal alternative must be rejected.

16. Conclusion: White Mesa Disposal Alternative. The off-site disposal alternative that would have the most impacts on wetlands is the slurry pipeline to White Mesa. The pipeline would adversely impact the Matheson Wetlands, watercourses, and other wetlands.

Comments on DOE/EIS-0355D
March 7, 2005

#1404, p10 9

The disposal of the tailings at White Mesa has the reasonable potential to impact a unique wetland at Ruin Spring, which is on land belonging to the people of the United States. I have visited this spring. Grazing cattle (associated with a Bureau of Land Management grazing permit) and wildlife depend on the spring, which is a rare spring in a very, very dry area. The DOE cannot rely on monitoring and maintenance of the facility over the long term to protect the spring from contamination.

There is no basis for a finding that there is "no practicable alternative" to disposing of the tailings at White Mesa or slurrying the tailings to White Mesa. The DOE has already identified two "practicable" off-site disposal alternatives, Klondike Flats and Crescent Junction, and evaluated them in the NEPA process. Implementation of either of these two off-site disposal alternatives would result in few, if any, adverse wetland and floodplain impacts.

Therefore, in order to avoid the short-term and long-term adverse impacts to the wetlands by the White Mesa proposal, that disposal alternative must be rejected.

Sincerely,

Sarah M. Fields

Sarah M. Fields
P.O. Box 143
Moab, Utah 84532

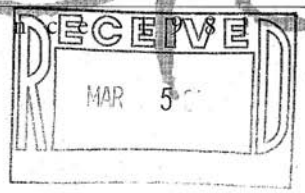
Document #1405 Brian, Danielle Project on Government Oversight

#1405, p1

POGO

Project On Government Oversight

Watchdog since 1981



February 23, 2005

Sent to moabcomments@gjo.doe.gov
Hard copy to follow

Mr. Don Metzler
Moab Federal Project Director
U.S. Department of Energy
2597 B$^{3/4}$ Road
Grand Junction, Colorado 81503

RE: Draft Environmental Impact Statement for the "Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah"

Dear Mr. Metzler:

The Project On Government Oversight (POGO) investigates, exposes, and seeks to remedy systemic abuses of power, mismanagement, and subservience by the federal government to powerful special interests. Founded in 1981, POGO is a politically-independent, nonprofit watchdog that strives to promote a government that is accountable to the citizenry. POGO appreciates the opportunity to comment on the Draft Environmental Impact Statement (DEIS) for the "Remediation of the Moab Uranium Mill Tailings, Grand and San Juan Counties, Utah" (69 Fed. Reg. 70,257 (2004)). POGO vehemently requests that the government relocate the Moab Uranium Mill Tailings to a safe location.

Since the late-1990's, POGO has voiced concerns about the government's plan to decommission the Moab Uranium Mill Tailings – located in a 130-acre unlined pile about 750 feet from the Colorado River. At that time the tailings pile was the jurisdiction of the Nuclear Regulatory Commission (NRC).

In 1999, POGO released its report *NRC Sells Environment Down the River*, which confirmed that the Atlas Corporation, the polluter that owned the Moab site, had bullied the NRC into accepting a cleanup plan that would have saved the company millions of dollars. That plan, however, fell far short of government and public safety standards. The NRC considered capping the nearly 12 million tons of uranium mill wastes at its current location rather than moving it to a safe location.

As you probably know, studies showed that merely capping the 130-acre tailings pile would allow the continued contamination of the ecosystem in and around the now defunct mill. The leaching from the tailings pile has negatively affected the Colorado River. Additionally, the pile is only

666 Eleventh Street, NW, Suite 500 • Washington, DC 20001-4542 • (202) 347-1122
Fax: (202) 347-1116 • E-mail: pogo@pogo.org • http://www.pogo.org
POGO is a 501(c)3 organization • Printed on Recycled Paper

#1405, p2

10-15 feet above an aquifer, is situated on the flood plane of the Colorado, and is filled with radioactive uranium, ammonia, molybdenum, aluminum, iron, nitrates, and sulfates that are contaminating groundwater that feeds into the river. Specifically, groundwater from the Moab site would continue to seep into the Colorado River, the source of drinking water for more than 25 million residents in California and Arizona and home to several endangered species of fish.

In 2000, POGO and many conservation groups pushed for and won their battle to have the jurisdiction of the tailing pile moved to the Department of Energy (DOE), which possessed the required experience in moving similar sites.

Now DOE is in the same position that the NRC was in nearly ten years ago – a drawn out decision to cap or relocate the uranium tailings. The current DEIS states that relocation of the uranium tailings pile will cost from $329 to $464 million, which is a far cry from the NRC's and Atlas' estimates in the late-1990s that relocating the tailings pile would cost $60 to $114 million. After years of delay and debate on relocation verses capping the uranium tailing pile at its current location, the taxpayer is left holding a ballooning bill in a financially restrictive budget crisis. More disturbing is the fact that radioactive and toxic waste is still affecting the Colorado River and the drinking water for the 25 million people who live downstream. DOE must do the right thing and end the debate.

As a government watchdog POGO does not often encourage the spending of tax dollars, but in this case it is clearly worth the investment. POGO urges DOE to consider these comments and relocate the Moab Uranium Mill Tailings to a safe location – a location that is both safe for the environment and the public.

Sincerely,

Danielle Brian

Danielle Brian
Executive Director

Document #1430 Darke, John Individual

John Darke
4:30 PM
February 22, 2005

I'm happy to hear in your message that there is going to be a public hearing in January. I'm also happy that you're still receiving comments. This is a request: the DOE Grand Junction Office received emails suggesting that it was the appropriate in conformance and CEQ intent that the Initial Phase Investigation particularly be made available in the reading room and also in respect that some of the data set that is mentioned in that record, USGS record, it is there that the data set be made available. I would refer you to the USGS website and the link the appropriate link indicates that in order to receive the data set is essentially to treat it as a commercial enterprise. Some can't afford $100 an hour or $70 or whatever. The download time of the initial investigation report itself is 48 megabytes. It's intent was to place copies have been received of the report at the courthouse. It was quite a delay until after the suspense on the comment period. Suggest that we lighten up in a group-phased effort to provide affordable records. This is John Darke.

Document #1432 Gosnell, James Individual

From: J. Gosnell [ravens1988@hotmail.com]
Sent: Tuesday, February 22, 2005 10:53 AM
To: moabcomments
Subject: Uranium Tailings Pile in Moab, Utah

To whom it may concern,

As I resident of San Diego, California, the current state of the uranium tailings pile concerns me. San Diego currently gets about two-thirds of its water from the Colorado River. This is the water that I use to wash laundry, drink, and bathe. Yet out in Moab, Utah a major health risk and threat to our water supply exists. The uranium tailing pile located in Moab is a diaster waiting to happen. Daily the pile leaks 15,000 agllons of toxic chemical chemicals into the river in a day, it could be easily subjected to a terrorist attack and used to poision the water in all of Southern California, Nevada, and Arizona. If it isn't attacked by terrorists a flood could easily wipe 80% of the pile into the river, spelling diaster for the Untied Sates Government and all citizens using the Colorado for a water supply. According to a recent survey by the US Deparment of Energy, the uranium tailing pile currently is not in compliance with EPA standards for Unarium concentration or Ammoniium concentration. The alloted uranium concentration is .04 mg per l; yet in some parts of the pile the concentration is as high as 15 mg per L. That is 37500% percent apove the EPA's accepted level! That kind of violation causes unneccesary stress to many concerned residents. Simularily, the ammonian level set by the EPA is 3mg per L; despite this alloted concentration the entire pile never drops below 50mg per liter. That figure is a staggering 1667% above the alloted EPA levels. I propose that the citizens of all areas drinking the Colorado river water, that is consistently poisioned by the Uranium tailings pile at Moab, Utah, petition for the pile to become part of the EPA Superfund Act. Superfund is the perfect solution because it will call for removing and clearing the waste at no cost to the victims of hazardous waste poisioning, even if that poisiong may not be lethal.

Sincerely,

James Gosnell

Document #1501 Eddy, Jr., Daniel Colorado River Indian Tribes

COLORADO RIVER INDIAN TRIBES
Colorado River Indian Reservation
ROUTE 1, BOX 23-B
PARKER, ARIZONA 85344
TELEPHONE (928) 669-1280
FAX (928) 669-1391

#1501

RECEIVED
APR 1 2005

March 25, 2005

Moab DEIS Comments
U.S. Department of Energy Grand Junction
2597 B3/4 Road
Grand Junction, Colorado 81503

Dear Sirs:

On behalf of the Colorado River Indian Tribes (CRIT), I write regarding an issue that has potential to significantly impact the members of this tribe as well as a number of communities along the Colorado River for generations to come.

That issue involves the approximately 11.9 million tons of radioactive uranium tailings sitting on the banks of the Colorado River in Moab, Utah. This pile contains very high levels of radioactive and toxic materials that are already leaking into the river and if left unchecked, will have a detrimental effect on virtually everything downstream. This is especially alarming to us because our entire economy centers primarily on agriculture and tourism. Our very existence is therefore heavily dependent on the water quality of the Colorado River.

To remediate the site, the Department of Energy is currently considering three options. One is to move the tailings off the river to a secure and safe location north of Moab. A second is to cap and leave the pile in place. The third option is to send the radioactive and toxic material to a facility near White Mesa, Utah.

While none of the options considered offers any safe long-term solution, we stand with our Ute neighbors in opposition to relocating the material to the proposed White Mesa site. The White Mesa site is too close to the Ute reservation and is situated atop and next to ancient sites that have profound cultural and spiritual significance to the tribe. The site north of Moab makes the most sense and is preferred over the other two options.

Unquestionably, because of the tremendous presented threat, the pile must be removed away from the Colorado River. However, serious consideration needs to be given to the location of any potential dumpsite and its proximity to neighboring communities and any relevant cultural and spiritual sites.

Thank you for taking the time to hear our concerns and if you should have any questions in this regard, please feel free to contact me at the number provided above.

Sincerely,

COLORADO RIVER INDIAN TRIBES

Daniel Eddy, Jr., Chairman
Tribal Council

Cc: Mayor Dave Sakrison, City of Moab
Chairman Selwyn Whiteskunk, Ute Mountain Ute Tribal Council

Document #1503 Juan-Sanders, Vivian Inter Tribal Council of Arizona

19 TRIBES

INTER TRIBAL COUNCIL of ARIZONA

#1503, p1

MEMBER TRIBES
AK-CHIN INDIAN COMMUNITY
COCOPAH TRIBE
COLORADO RIVER INDIAN TRIBES
FORT McDOWELL YAVAPAI TRIBE
FORT MOJAVE TRIBE
GILA RIVER INDIAN COMMUNITY
HAVASUPAI TRIBE
HOPI TRIBE
HUALAPAI TRIBE
KAIBAB-PAIUTE TRIBE
PASCUA YAQUI TRIBE
QUECHAN TRIBE
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
SAN CARLOS APACHE TRIBE
TOHONO O'ODHAM NATION
TONTO APACHE TRIBE
WHITE MOUNTAIN APACHE TRIBE
YAVAPAI APACHE NATION
YAVAPAI PRESCOTT INDIAN TRIBE

March 29, 2005

Moab DEIS Comments
U.S. Department of Energy Grand Junction
2597 B 3/4 Road
Grand Junction, Colorado 81503

Re: *Atlas Mill/Moab Uranium Tailings*

Dear Sir or Madam:

The Inter Tribal Council of Arizona, an organization of 19 Tribal governments, is hereby expressing its support of the Ute Mountain Ute Tribe and the City of Moab, Utah regarding remediation of the Atlas Mill Site. The approximate 11.9 million tons of uranium tailings now sitting on the banks of the Colorado River in Moab at said Site should be removed off the River to a secure and safe location north of Moab.

A number of Indian Reservations, including the Quechan, Cocopah, Colorado River Indian Tribes, Havasupai and Haulapai, are directly located on the Colorado River within the geographic boundaries of the States of California, Arizona and Nevada, downriver from the Atlas Mill Site. The tribes have rights to the Colorado River stemming from the establishment of their reservations. The river is central to the culture and economy of each tribe. The release of hazardous substances into the River would threaten their subsistence and way of life. All member tribes of the ITCA join with the Ute Mountain Ute Tribe and the City of Moab in their opposition to any Atlas Mill Site remediation plan whereby the uranium tailings would remain in place on the River's bank. Even if the pile is capped, no guarantee can be given that contamination of the River, due to gradual leaking or catastrophic event such as flooding, will never occur. So long as the uranium tailings remain on the River's bank, a serious threat exists for all downriver communities and tribes as well as Moab.

All of the named tribes have many cultural, traditional and sacred places both within and without their reservations. All too often, the United States contemplates or takes action without proper consideration of the depth

2214 North Central Ave. • Suite 100 • Phoenix, Arizona 85004 • (602) 258-4822 • Fax (602) 258-4825
1
520-383-2028 fax 3379

#1503, p2

and scope of the hurt and harm experienced by Native people by the destruction and desecration of sacred places. We join with the Ute Mountain Ute Tribe and the City of Moab in their opposition to any Atlas Mill Site remediation plan whereby the uranium tailings would be sent to a facility near White Mesa, Utah. The White Mesa facility is located near and/or at the Ute Reservation and sacred places with profound cultural and spiritual significance to the Ute Tribe.

The United States has a trust responsibility for all the above named Tribes. It should not allow or pursue any remediation of the Atlas Mill Site which disturbs the Reservations or sacred sites of these tribes in any way.

We strongly support the Ute Mountain Ute Tribe in its recommendation that Atlas Mills remove the uranium tailings off the Colorado River to a safe and secure location north of Moab. Remediation which threatens the Colorado River, such as capping the existing pile in place, or which disturbs Ute Mountain Ute Tribe sacred places, such as sending the tailings to White Mesa, should not be considered.

The 19 member Tribes of the Inter Tribal Council of Arizona urge you to take action as identified in this letter. Your attention to this matter is greatly appreciated.

Sincerely,

Vivian Juan-Saanders, President
Inter Tribal Council of Arizona

2

19 TRIBES

INTER TRIBAL COUNCIL of ARIZONA

#1503, p3

MEMBER TRIBES
AK-CHIN INDIAN COMMUNITY
COCOPAH TRIBE
COLORADO RIVER INDIAN TRIBES
FORT McDOWELL YAVAPAI TRIBE
FORT MOJAVE TRIBE
GILA RIVER INDIAN COMMUNITY
HAVASUPAI TRIBE
HOPI TRIBE
HUALAPAI TRIBE
KAIBAB-PAIUTE TRIBE
PASCUA YAQUI TRIBE
QUECHAN TRIBE
SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY
SAN CARLOS APACHE TRIBE
TOHONO O'ODHAM NATION
TONTO APACHE TRIBE
WHITE MOUNTAIN APACHE TRIBE
YAVAPAI APACHE NATION
YAVAPAI PRESCOTT INDIAN TRIBE

RESOLUTION 0505

RESOLUTION OF THE INTER TRIBAL COUNCIL OF ARIZONA

Title: Support of the Fort Mojave Tribe's opposition to movement of uranium tailings to White Mesa, Utah

WHEREAS, the Inter Tribal Council of Arizona, a council of 19 tribal governments in Arizona, provides a forum for tribal governments to advocate for national, regional and specific tribal concerns and to join in united action to address these issues; and

WHEREAS, the member tribes of the Inter Tribal Council of Arizona have the authority to act to further their collective interests as sovereign native governments; and

WHEREAS, the member tribes of the Inter Tribal Council of Arizona support the sovereign right of Indian nations to protect their traditional lands, environments, sacred sites and cultural resources; and

WHEREAS, the Inter Tribal Council of Arizona has the charge to support and represent particular member Tribes on matters directly affecting them upon their request; and

WHEREAS, The Fort Mojave Indian Tribe is requesting support opposing the transfer of 11.9 million tons of uranium tailings presently located on the banks of the Colorado River in Moab, Utah to a facility in close proximity to White Mesa, Utah, and leaving the mine tailings capped or uncapped at its present location; and

2214 North Central Ave. • Suite 100 • Phoenix, Arizona 85004 • (602) 258-4822 • Fax (602) 258-4825 1

#1503, p4

WHEREAS, the uranium tailings now located on the banks of the Colorado River threaten not only the health and viability of the Colorado River but all communities specifically Ft. Mojave, Colorado River Indian Tribes, Hualapai, Havasupai, Quechan and Cocopah Tribes, downriver from the Atlas Mill site where the uranium tailings are presently stored; and

WHEREAS, the Ute Mountain Ute Tribe, the Fort Mojave Tribe and the above named tribes have many cultural, traditional and sacred places along the Colorado River, both within and in close proximity to their reservations and the release of or leaking from the tailings into the Colorado River or the relocation of the tailings to or near these sacred sites would have devastating effects on the Tribes' cultural, spiritual and traditional existence; and

WHEREAS, the White Mesa facility is located near the Ute Reservation and sacred sites culturally and spiritually significant to the Ute Mountain Ute people; and

NOW THEREFORE BE IT RESOLVED, that the Inter Tribal Council of Arizona supports the Ute Mountain Ute Tribal Council and the Ft. Mojave Tribal Council in their opposition to moving the mine tailings, contaminated soils and cover material from the Atlas Mill site in Moab, Utah to a facility near White Mesa, Utah; and

BE IT FURTHER RESOLVED, the Inter Tribal Council of Arizona opposes leaving the mine tailings capped or uncapped on the banks of the Colorado River.

BE IT FURTHER RESOLVED, that the Inter Tribal Council of Arizona requests that the United States Department of Energy remove the 11.9 million tons of uranium

2

#1503, p5

tailings off the banks of the Colorado River to a secure and safe location north of Moab.

BE IT FURTHER RESOLVED that the Executive Director of the Inter Tribal Council of Arizona forward this resolution to the U.S. Department of Energy and other pertinent agencies.

CERTIFICATION

The foregoing resolution was presented and duly adopted at a meeting of the Inter Tribal Council of Arizona, where a quorum was present on **Friday, March 18, 2005**.

Vivian Juan-Saunders

Vivian Juan-Suanders, President
Inter Tribal Council of Arizona
Chairwoman of the Tohono O'odham Nation

3